

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT WINCHESTER

ANTONIO L. BOOKER,	)	
	)	
<i>Plaintiff,</i>	)	
v.	)	No. 4:07-cv-21
	)	<i>Mattice</i>
SHERIFF JACKIE MATHNEY; ANDY	)	
WOMACK; BOBBY ASHBURN; JOHNNY	)	
EDWARD ROBINSON; EDDIE KNOWLES,	)	
	)	
<i>Defendants.</i>	)	

**MEMORANDUM**

Plaintiff Antonio L. Booker (“Booker”) filed a *pro se* civil rights complaint pursuant to 42 U.S.C. § 1983 [Court File No. 2]. On December 4, 2007, the Court issued an order directing Booker to complete the service packets and return them to the District Court Clerk within twenty (20) days from the date of receipt of the order [Court File No. 17].<sup>1</sup> Booker was forewarned that failure to return the completed service packet within the time required could jeopardize his case.

Booker has not responded to the Court’s December 4, 2007 Order. Booker’s failure to timely respond to the Court’s Order results in a finding by the Court that Booker has failed to comply with its Order. Consequently, the Court will dismiss Booker’s complaint for noncompliance with its Order and failure to prosecute.

Rule 41(b) of the Federal Rules of Civil Procedure allows a court to dismiss an action *sua sponte* for failure to prosecute or for failure to comply with the federal rules or any court order.

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<sup>1</sup> The Clerk notified the Court that the United States Marshals stated they never received the original service packets, so the Clerk sent Booker new service packets for each of the five defendants named in this action.

This authority is based on the Court's inherent authority to control its docket and prevent undue delays in the disposition of pending cases.

Therefore, this action will be **DISMISSED** for Booker's failure to prosecute and to comply with the orders of this Court. Fed. R. Civ. P. 41(b); *Jourdan v. Jabe*, 951 F.2d 108 (6th Cir. 1991).

A judgment will enter.

/s/Harry S. Mattice, Jr.  
HARRY S. MATTICE, JR.  
UNITED STATES DISTRICT JUDGE